

MINUTE ITEM

26. PROPOSED ANNEXATION BY THE CITY OF SANTA BARBARA, DESIGNATED AS SANTA BARBARA AIRPORT ANNEXATION - W.O. 2400.35.

After consideration of Calendar Item 30 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO INFORM THE COUNCIL OF THE CITY OF SANTA BARBARA THAT THE COMMISSION PROTESTS THE PROPOSED ANNEXATION OF THE TIDE AND SUBMERGED LANDS UNLESS THE PROPOSED ANNEXATION IS MODIFIED TO INCLUDE ONLY THE SURFACE OF THE LAND OF THE OCEAN FLOOR INSTEAD OF 500 FEET BELOW THE SURFACE OF THE OCEAN FLOOR.

THE EXECUTIVE OFFICER IS FURTHER AUTHORIZED TO REQUEST THE OFFICE OF THE ATTORNEY GENERAL TO TAKE WHATEVER LEGAL ACTION IS NECESSARY, IF ANY, TO PROTECT THE INTERESTS OF THE STATE.

COMMENTS:

The Executive Officer informed the Commission that the proposal to limit the tideland areas to the surface of the ocean floor would minimize future State Lands Commission administrative problems in the territory sought to be annexed.

The Chairman pointed out that this was the first time an annexation was based on going out into the open ocean without land contiguity, and stated he was concerned with the possible effects of establishing a precedent.

Mr. Stanley T. Tomlinson, City Attorney for the City of Santa Barbara, indicated that the question raised was simply a legislative matter, and that it was their duty to proceed under existing law even though this may be a unique instance.

Commissioner Cranston asked that the record show that the proposed annexation would not touch the beaches involved, and that Goleta would still have its beach; Commissioner Champion requested that the record be clear in that the Commission had not taken any position that this is a desirable way to do business.

Attachment

Calendar Item 30 (1 page).

SUPPLEMENTAL CALENDAR ITEM

30.

PROPOSED ANNEXATION BY THE CITY OF SANTA BARBARA, DESIGNATED AS SANTA BARBARA AIRPORT ANNEXATION - W.O. 2400.35.

On September 1, 1961, the State Lands Commission and the office of the Attorney General received notice that the City Council of the City of Santa Barbara proposes to annex certain territory designated as Santa Barbara Municipal Airport, together with certain tidelands (City Council Resolution 5071). Time and place for hearing of protests is set for September 26, 1961, at 2:00 p.m., Council Chambers, City Hall, De La Guerra Plaza, Santa Barbara, California.

By letter dated September 6, 1961, pursuant to Resolution No. 5088, the City Council of the City of Santa Barbara requested the State Lands Commission, in accordance with Government Code Section 35313.1, to make a valuation of the tidelands proposed to be annexed.

The tidelands proposed to be annexed consist of a corridor strip 300 feet wide, containing approximately 238 acres, extending southerly from the ordinary high water mark of the Santa Barbara Airport area a distance of approximately 6,900 feet, and thence extending at a right angle easterly a distance of approximately 27,700 feet where the corridor would join tide and submerged lands presently within the city limits of Santa Barbara.

The territory sought to be annexed includes only 500 feet below the land surface and the ocean floor. The area below 500 feet is not proposed to be annexed. A preliminary report from the office of the Attorney General indicates that exclusion of all property more than 500 feet below the land surface of the ocean floor would create horizontal stratification of governmental jurisdiction which is not known in law. In addition, it is felt that the Legislature never considered or intended that such a division of authority could be established.

Future State Lands Commission administrative problems would be minimized if the territory sought to be annexed were limited to the surface of the ocean floor, as proposed originally by the City of Santa Barbara, instead of to 500 feet below the surface.

In view of the late receipt of the City's valuation request (September 6) it has not been possible to complete a valuation report for consideration by the Commission at this meeting (September 14). Approval of any valuation report by resolution of the Commission is required by law.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO INFORM THE COUNCIL OF THE CITY OF SANTA BARBARA THAT IT WOULD NOT OPPOSE THE PROPOSED ANNEXATION OF THE TIDE AND SUBMERGED LANDS ON THE CONDITION THAT THE PROPOSED ANNEXATION BE MODIFIED TO INCLUDE ONLY THE SURFACE OF THE LAND OF THE OCEAN FLOOR INSTEAD OF 500 FEET BELOW THE SURFACE OF THE OCEAN FLOOR.

IT IS RECOMMENDED FURTHER THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO REQUEST THE OFFICE OF THE ATTORNEY GENERAL TO TAKE WHATEVER LEGAL ACTION IS NECESSARY, IF ANY, TO PROTECT THE INTERESTS OF THE STATE.